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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,039	10/25/2000	Yasuo Himuro	Q59956	9058

7590 08/29/2003

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2100 Pennsylvania Avenue N W
Washington, DC 20037-3202

EXAMINER

MAKI, STEVEN D

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 08/29/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/674,039

Applicant(s)

HIMURO, YASUO

Examiner

Steven D. Maki

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: new issues: see advisory action attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see advisory action attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-28, 30 and 31.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: Interview Summary (papers # 8 1/2 and 11)

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advisory action attachment

new issues

The new issues include: (1) in claim 3, adding --said pseudo-land portion comprises a slant face on a ground contact side so that said slant face does not contact a ground surface--; (2) in claim 31, adding --said pseudo-land portion comprises a slant face on a ground contact side so that said slant face does not contact a ground surface--; (3) in claim 31 adding --the pseudo-land portion is arranged in the circumferential groove so as to provide an end part at a larger side of the cross sectional area of the pseudo-land portion close to the portion of the slant groove opened to the circumferential groove--; (4) changing dependency of claims 2, 4, 7, 8, 20, 24 and 30 from "claim 1" to --claim 3--.

remarks

Applicant argues that Europe 310 fails to teach a pseudo-land portion formed in the circumferential groove. In support of this argument, applicant asserts that the side of the circumferential groove is not defined by the pseudo land portion. First: The scope and meaning of pseudo land portion remains unclear. As such, no conclusion can be made that the side of the circumferential groove is not defined by the pseudo land portion. Second: Applicant's assertion is incorrect and applicant's arguments regarding Europe '310 are consequently not persuasive. A copy of the applicant's figure 2a is presented below:

The red color has been added to applicant's figure 2a by the examiner and indicates the bottom and sidewall of the groove at the cross section I-I. As can be seen from applicant's figure 2a, the bottom of the groove at cross section I-I is the red surface 20 and the sidewall of the groove at cross section I-I comprises red surface 12 of the pseudo land portion. The sidewall of the groove at cross section I-I is defined by the slant surface 12 of the pseudo land portion. It is acknowledged that surface 12 in applicant's figure 2a is "a surface extending from the ground contacting surface of a land portion toward the groove bottom". Europe '310 teaches such a surface since the upper surface of each beveled portion is "a surface extending from a ground contacting surface of a land portion toward the bottom of a groove".


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is 703-308-2068. The examiner can normally be reached on Mon. - Fri. 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball can be reached on (703) 308-2058. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Steven D. Maki
August 29, 2003


STEVEN D. MAKI
PRIMARY EXAMINER
~~GROUP 1300~~
AU 1733
8-29-03